

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

JAMES M. RAUSTER, JR., )  
vs. Plaintiff, )  
MICC� TRUCKING, LLC, ) Case No.  
JOSEPH A. MCCORD, and )  
MICHAEL E. CONWAY, )  
Defendants. )

**DEFENDANTS MICC� TRUCKING, LLC,  
JOSEPH A. MCCORD, and MICHAEL E. CONWAY 'S  
NOTICE OF REMOVAL**

NOW COME Defendants, MICC� TRUCKING, LLC, JOSEPH A. MCCORD, and MICHAEL E. CONWAY, by and through their attorneys, Leahy, Eisenberg & Fraenkel, Ltd., and hereby submits this Notice of Removal in accordance with 28 USC § 1446, for removal of this action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 USC §§ 1446(a) and (b). In support of this Notice of Removal, said Defendants state::

1. This Civil action was filed on July 21, 2009 in the Circuit Court of Cook County, Illinois, Law Division, under Circuit Court Number 2009 L 8532, and arises out of an automobile collision on December 27, 2007, in Cook County, Illinois. Plaintiff, James M. Rauster, Jr.'s ('Plaintiff") Complaint at Law is attached hereto as "Exhibit A."
2. Plaintiff's Complaint at Law did not include an allegation or prayer for relief stating that Plaintiff was seeking an amount in excess of the jurisdictional amount for removal (i.e. in excess of \$75,000.00 exclusive of costs, fees and interest).

3. Defendants served upon Plaintiff their First Set of Requests to Admit Facts, seeking disclosure of whether or not Plaintiff was seeking damages in excess of the jurisdictional amount for removal.

4. Plaintiff was, at the time of the subject incident, as well as at the time this action was filed on July 21, 2009, and remains, a citizen of the State of Illinois. See Plaintiff's Answers to Defendants' First Set of Requests to Admit, ¶¶ 1-3, a copy of which is attached hereto as "Exhibit B".

5. The incident averred to in the Complaint at Law involves alleged personal injuries to plaintiff. Plaintiff has confirmed that he is seeking damages in excess of \$75,000.00, independent of interest and costs. See Plaintiff Plaintiff's Answers to Defendants' First Set of Requests to Admit, Exhibit B, ¶4).

6. Defendant McCord Trucking LLC was, at the time of the subject incident, as well as at the time this action was filed on July 21, 2009, and remains, an Indiana corporation, with its principal place of business in the State of Indiana.

7. Defendant Joseph A. McCord was at the time of the subject incident, as well as at the time this action was filed on July 21, 2009, and remains, a citizen of the State of Indiana.

8. Defendant Michael E. Conway was at the time of the subject incident, as well as at the time this action was filed on July 21, 2009, and remains, a citizen of the State of Indiana.

9. Pursuant to 28 U.S.C. § 1332, complete diversity of jurisdiction exists between the parties hereto.

10. Pursuant to Plaintiff's admissions, the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

WHEREFORE, for the foregoing reasons, Defendants, MCCORD TRUCKING, LLC, JOSEPH A. MCCORD and MICHAEL E. CONWAY, respectfully petition this Court to remove the above-entitled action from the Circuit Court of Cook County, Illinois, to be filed in the United States District Court for the Northern District of Illinois, Eastern Division, based upon diversity of citizenship.

Respectfully submitted,

LEAHY, EISENBERG & FRAENKEL, LTD.

By: /s/Scott Wing  
Scott Wing

Attorneys for Defendants,  
MCCORD TRUCKING, LLC,  
JOSEPH A. MCCORD, and  
MICHAEL E. CONWAY

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